AGENDA
Tuesday, December 1, 2009

The Clerk of the Board will issue a Supplemental Agenda on the Friday preceding this meeting. To see if there are any changes, please go to the County’s website at, http://monterey.granicus.com/ViewPublisher.php?view_id=5 or call the Clerk of the Board office at 755-5066. Urgency items, submitted after posting of the Supplemental Agenda and/or Regular Agenda, may be read in by the Clerk of the Board at the beginning of the meeting.
MEETING PROCEDURES

The Board of Supervisors welcomes you to its meetings, which are regularly scheduled each Tuesday. Your interest is encouraged and appreciated. Meetings are held in the Board Chambers located on the first floor of the Monterey County Government Center, 168 W. Alisal St., Salinas, CA 93901.

As a courtesy to others, please turn off all cell phones and pagers prior to entering the Board Chambers.

ALTERNATE AGENDA FORMATS: If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals with a disability requiring a modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may make these requests to the Clerk of the Board Office.

The agenda is divided into two sections:

REGULAR CALENDAR: These items include significant financial and administrative actions, and items of special interest, usually approved by a single majority vote for each program. The regular calendar also includes “Scheduled Matters,” which are noticed hearings, work sessions and public hearings.

CONSENT CALENDAR: These matters include routine financial and administrative actions, appear in the supplemental section by program areas, and are usually approved by a single majority vote.

TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA: Walk to the rostrum and wait for recognition by the Chair. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the Chair, with equal time allocated to opposing sides of an issue insofar as possible. Allocated time may not be reserved or granted to others, except as permitted by the Chair. On matters for which a public hearing is required, please note that a court challenge to the Board’s action may be limited to only those issues raised at the public hearing or in correspondence delivered to the Board at or before the public hearing.

TO ADDRESS THE BOARD DURING PUBLIC COMMENT: Please complete a Speaker Request Form, available on the rostrum, and submit it to the Clerk of the Board before the commencement of that agenda item. Public comments shall not pertain to matters on the agenda.

DOCUMENT DISTRIBUTION: Documents related to agenda items that are distributed to the Board less than 72 hours prior to the meeting shall be available for public inspection at the Clerk of the Board Office, 168 W. Alisal Street, 1st Floor, Salinas, CA. Documents distributed to the Board at the meeting by County staff will be available at the meeting; documents distributed to the Board by members of the public shall be made available after the meeting.

INTERPRETATION SERVICE POLICY: The Monterey County Board of Supervisors invites and encourages the participation of Monterey County residents at its meetings. If you require the assistance of an interpreter, please contact the Clerk of the Board located in the Monterey County Government Center, 168 W. Alisal St., Salinas - or by phone at (831) 755-5066. The Clerk will make every effort to accommodate requests for translation assistance. Requests should be made as soon as possible, and at a minimum 24 hours in advance of any meeting of the Board of Supervisors.

La Cámara de Supervisores del Condado de Monterey invita y apoya la participación de los residentes del Condado de Monterey en sus reuniones. Si usted requiere la asistencia de un intérprete, por favor comuníquese con la oficina de la Asistente de la Cámara de Supervisores localizada en el Centro de Gobierno del Condado de Monterey, (Monterey County Government Center), 168 W. Alisal, Salinas – o por teléfono al (831) 755-5066. La Asistente hará esfuerzo para acomodar los pedidos de asistencia de un intérprete. Los pedidos se deberán hacer lo más pronto posible, y a lo mínimo 24 horas de antelación de cualquier reunión de la Cámara de Supervisores.

All documents submitted by the public must have no less than ten (10) copies.

The Clerk of the Board of Supervisors must receive all materials for the agenda packet by noon on the Tuesday one week prior to the Tuesday Board meeting.

Any agenda related writings or documents distributed to members of the County of Monterey Board of Supervisors regarding any open session item on this agenda will be made available for public inspection in the Clerk of the Board’s Office located at 168 W. Alisal St., 1st Floor, Salinas, California. during normal business hours and in the Board Chambers on the day of the Board Meeting, pursuant to Government Code §54957.5.
AGENDA

9:00 A.M.

ROLL CALL:

1. Additions and Corrections for Closed Session:

   The Clerk of the Board will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.

CLOSED SESSION

2. Closed Session under Government Code section 54950, relating to the following items:

   a. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators.
      (1) Property: 20 East Alisal Street, Salinas
         County negotiator: Wayne Tanda, RMA Director
         Negotiating parties: The County of Monterey and Croker Corner Partnership
         Under negotiation: Price and terms

   b. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation.
      (1) Dan Mitchell, et al. v. County of Monterey (USDC Case No. C08-01166-JW)
      (2) Monterey County Deputy Sheriffs' Association v. County of Monterey, et al. (MCSC Case No. M97873)
      (3) Grievances of Dave Dungan
      (4) Grievances of Dan Mitchell
      (5) Stott Outdoor Advertising v. County of Monterey (USDC Case No. C06-00891-RMW)
      (6) Thomas Angley (WC)

   c. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one item of significant exposure to litigation.

   d. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding potential initiation of one litigation case.
e. Pursuant to Government Code section 54956.9(b), the Board will confer with labor negotiators.
   (1) Designated representatives: Keith Honda and Jonathan Holtzman;
       Employee organizations: Units A, B, and C

f. Pursuant to Government Code sections 54956.9(b) and 54956.9(c), the Board will confer with legal counsel regarding one item of significant exposure to litigation and/or potential initiation of litigation.

g. Pursuant to Government Code section 54956.8, the Board of Directors of the Redevelopment Agency will confer with real property negotiators.
   Property: Army Parcels E19a.1, E19a.2 and E19a.3 in the "Parker Flats" area of the former Fort Ord, and MST Parcels L2.3, L2.4.1, L2.4.2 and L32.4.2.
   Negotiators: Monterey Downs LLC, and Monterey Horse Park for the developer and Jim Cook for the Agency
   Under negotiation: Price and terms

Continuance of Closed Session to be held at the conclusion of the Board’s Regular Agenda, or at any other time during the course of the meeting announced by the Chairperson of the Board.

10:30 A.M.

ROLL CALL:

3. Pledge of Allegiance

4. Additions and Corrections

   The Clerk of the Board will announce agenda corrections and proposed additions which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

6. CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet)

OTHER BOARD MATTERS:

7. Board Comments

8. CAO Comments and Referrals
9. Public Comment (Limited to 3 minutes per speaker):

This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board of Supervisors. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification; make a referral to staff for factual information, or request staff to report back to the Board at a future meeting.

10. Adopt the Board of Supervisors’ meeting schedule for calendar year 2010.


12. Adopt Resolution honoring an "Undisclosed Recipient" as the 2009 Volunteer of the Year for the Monterey County Hospitality Association. (Supervisor Potter)

13. Adopt Resolution honoring John Paul Snider, MPH, MPA, Community Health Director with the Department of Health, upon his retirement from the County of Monterey after twenty-six years service. (Supervisor Calcagno)

14. Adopt Resolution honoring Judge Jonathan R. Price upon his retirement from the Monterey County Superior Court after twenty years of service. (Supervisor Calcagno)

15. Adopt Resolution honoring the Ausonio Family of Businesses upon their 50th Anniversary. (Supervisor Calcagno)

16. Adopt Resolution honoring Susan Gray, Management Analyst II with the Department of Social and Employment Services, upon her retirement from the County of Monterey after twenty-one years service. Supervisor Calcagno)

APPOINTMENTS:

17. Reappoint Jeanne Hori-Garcia, Maria Guererro, Noemy Loveless and Eileen McCourt to the Child Care Planning Council, terms ending December 31, 2011. (Full Board)

18. Appoint Christine Fuller and Gayle Folliard to the Child Care Planning Council, terms ending December 31, 2011. (Full Board)

19. Appoint Martin Donnelly to the Domestic Violence Coordinating Council, term ending January 13, 2013. (Supervisor Parker)

20. Reappoint Julie Edgcomb to the Santa Cruz-Monterey- Merced Managed Medical Care Commission, term ending December 31, 2013. (Full Board)

21. Appoint Carlo Cortopassi to the Castroville Cemetery District, term ending March 31, 2012. (Supervisor Calcagno)

23. Appoint Doug Smith to the Board of Directors of the Water Resources Agency, term ending December 1, 2013. (Supervisor Parker)

**SCHEDULED MATTERS:**

S-1  
* a. Take action on one Application to establish Agricultural Preserve and Land Conservation Contract and nineteen (19) Applications to establish Farmland Security Zone Land contracts effective January 1, 2010;  
* b. Approve Application for nineteen Farmland Security Zones and Contracts and one Application to establish Agricultural Preserve and Land Conservation Contract;  
* c. Authorize Chair to execute Farmland Security Zone Contracts and Land Conservation Contract; and  
* d. Direct the Clerk of the Board to record the Farmland Security Zone and Agricultural Preserve Contracts.  

(PLN090298/Williamson Act Contract Applications, County-wide)

S-2  
* a. Receive a report on the experiences of other jurisdictions in developing Ordinances to regulate Big Box stores;  
* b. Direct staff, with the assistance of an advisory committee, to develop an Ordinance regulating Big Box development including the following provisions:  
   1. Appropriate permitting process;  
   2. Location criteria; and  
   3. Regulation of size and acceptable ratio of taxable and non-taxable goods.  

(Referral No. 2008-32 – PLN080448/Big Box Ordinance, Countywide)

12:00 P.M.

Recess to Lunch – Continue Closed Session

1:30 P.M. RECONVENE

**ROLL CALL:**

**SCHEDULED MATTERS:**

S-3  
* a. Receive report on Monterey County's 2010 Legislative Program including the 2010 Legislative Platform and 2010 Legislative Principles & Priorities;  
* b. Consider recommendations from the Legislative Committee meeting of November 30, 2009 regarding additions to the 2010 Legislative Program including but not limited to automatic enrollment in 457 Plans, and support for the transfer of the Tidball Store;  
* c. Review changes proposed by Supervisor Parker (November 16, 2009 letter);
d. Direct staff to make appropriate changes and consider approval of the 2010 Legislative Program, 2010 Legislative Platform and 2010 Legislative Principles & Priorities; OR

e. Refer proposed changes to the Legislative Committee for recommendation, and return to the Board for consideration of approval on December 15, 2009.

S-4

a. Receive a report on AB811 and financing the installation of energy efficiency improvements and alternative energy systems with the CaliforniaFIRST statewide municipal finance program;

b. Adopt a Resolution to join CaliforniaFIRST; and

c. Direct staff to report to the Board regarding the outcome of grant proposal to render participation in CaliforniaFIRST cost neutral to Monterey County.

S-5

a. Direct the Auditor-Controller to reallocate $9,199,822 within Fund 404, Unit 8174, from Project No. 8773 East/West Wing to Project No. 8772 Renovation of North Wing of Salinas Courthouse (North Wing) and modify the Fiscal Year (FY) 2009-10 budget to reflect the transfer in order to provide funding for professional services, construction, and associated costs;

b. Authorize the Contracts/Purchasing Officer to execute amendments to professional services and vendor agreements in amounts not to exceed the revised contract amount as shown in Exhibit 1;

c. Authorize the Contracts/Purchasing Officer to execute future contract amendments for the purpose of transferring funds between various North Wing professional services agreements, provided that the total amount of the amendments shall not exceed the total amount of the authorized project budget for other vendors and professional services, upon confirmation of the available amount and subject to monthly reporting on agreement status;

d. Authorize the Director of Public Works to execute construction contract change orders in amounts not to exceed the revised contract as shown in Exhibit 1; and

e. Authorize the Director of Public Works and County Administrative Office to execute future change orders, provided that the total amount of the change orders do not exceed the total revised contract as shown in Exhibit 1 and upon confirmation of the contract budget amount and subject to monthly reporting on contract status.

S-6

**PLEASE NOTE:** This matter was previously noticed for a public hearing on December 1, 2009, however, the matter will not be heard on that date and will be re-noticed for a public hearing on December 15, 2009:

Freeway Agreement with Caltrans:

a. Conduct a public hearing and receive public comments to satisfy the provisions of Streets and Highways Code, Section 100.22 regarding the Freeway Agreement with Caltrans;

b. Approve a Freeway Agreement with Caltrans for the construction of the State Route 101 at Airport Boulevard Improvement Project;

c. Authorize the Chair of the Board to execute the Freeway Agreement; and
d. Direct the Director of Public Works to submit the fully executed Freeway Agreement to the County Recorder for filing.

ORDER FOR ADJOURNMENT
TO TUESDAY, DECEMBER 8, 2009

Future Board Meetings:
Tuesday, December 15, 2009
Tuesday, December 22, 2009 – No Meeting
Tuesday, December 29, 2009 – No Meeting
CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER:

24. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 1 to the Agreement with Gallun Snow Associates Inc. for Interior Design and Design Master Planning Services at NMC in an amount not to exceed $138,500 (an increase of $40,000) for the period November 1, 2009 to June 30, 2010.

25. a. Amend Personnel Policies and Practices Resolution No. 98-394 to add the classification of Hospital Medical Interpretation Coordinator;
   b. Amend Personnel Policies and Practices Resolution No. 98-394 to retitle the Medical Interpreter to Hospital Medical Interpreter;
   c. Amend Personnel Policies and Practices Resolution No. 98-394 to increase the salary range of Hospital Medical Interpreter by 8.7%; and
   d. Amend Natividad Medical Center Budget Number 9600 to add one (1) FTE Hospital Medical Interpretation Coordinator and delete one (1) FTE Hospital Medical Interpreter.

26. a. Approve and Amend Personnel Policies and Practices Resolution No. 98-394 to Adjust the Salary Range for the NMC Facilities & Construction Manager in Accordance with the Natividad Medical Center Compensation Philosophy effective December 5, 2009; and
   b. Amend Personnel Policies and Practices Resolution No. 98-394 to re-title the Natividad Medical Center Facilities & Construction Manager to Hospital Director of Engineering and Safety.

HEALTH AND SOCIAL SERVICES:

27. Approve development and submission of a State of California, Community Services and Development Discretionary Funding Application for up to $173,064 for the Rancho Cielo, Inc. Wildland Fire Suppression Training Program.

28. a. Approve and authorize the Director of the Department of Social & Employment Services, or his designee, to sign an Agreement with McCourt & Calvo Consulting LLC for $199,225 to implement the CARES Program Professional Development Services throughout Monterey County for the period November 3, 2009 through June 30, 2010; and
   b. Authorize the Director of the Department of Social & Employment Services, or his designee, to sign up to three (3) amendments to this Agreement, where the total amendments do not exceed ten percent (10%) of the original contract amount, and do not significantly change the scope of work.

29. Item deleted.
CRIMINAL JUSTICE:


31. a. Approve and authorize the Chief Probation Officer to sign and submit a grant application to the California Emergency Management Agency (CalEMA) for the Evidence-Based Probation Supervision program in the amount of $525,877 for Fiscal Years 2009-2012; and
   b. Authorize the Chief Probation Officer to sign the Grant Agreement with CalEMA, and related amendments.

GENERAL GOVERNMENT:

32. Approve the Action Minutes of Tuesday, October 20, 2009.

33. Approve proposed revisions to the Monterey County Internship Program Policies and Procedures to allow post-graduate clinical psychology interns to work up to 40 hours per week.

34. Authorize acceptance of work and file a combined Notice of Completion for the second and third (final) quarters of the annual maintenance of park roadways at Laguna Seca Recreation Area for calendar year 2009, Bid No. 10187.

35. a. Amend Fiscal Year (FY) 2009-10 Information Technology 1930 Budget Unit 8140 to delete one (1) Management Analyst II and add one (1) Management Analyst III; and
   b. Direct the Auditor-Controller to incorporate this change in the FY 2009-10 Information Technology 1930 Budget Unit 8140.

36. a. Amend Personnel Policies and Practices Resolution No. 98-394 to revise Section B.6 Initial Probationary Period; and
   b. Direct the Auditor-Controller to implement the terms of this amendment.

37. Reaffirm County Military Leave Policy approving amendments to said policy and authorizing staff to amend Personnel Policies Resolution No. 98-394 accordingly.

38. a. Authorize representatives from the Monterey County Parks Department, County Contracts/Purchasing Division, and Risk Management to initiate contract negotiations with Ziptrek Ecotours, Inc. for the installation and operation of a "Zipline Project" at Jacks Peak County Park and contiguous County property; and
   b. If negotiations are successful, consider at a future public hearing a Concessionaire Agreement and any ancillary documents within the scope of the Concessionaire Agreement between Ziptrek Ecotours, Inc. and the County.

39. Adopt Resolution approving the form and authorizing the execution of certain lease financing documents in connection with the offering and sale of certificates
of participation relating thereto, and authorizing and directing certain actions with respect thereto.

40. Adopt Resolution approving the form and authorizing the execution of a first amendment to lease agreement, amending that certain lease agreement, dated as of January 1, 1998, by and between the County of Monterey public improvement corporation and Monterey County and authorizing and directing certain actions with respect thereto.

41. Approve extension of the Monterey County Internship Pilot Program through June 30, 2010.

42. Approve and authorize (no cost) License Agreement with Worksite International, Inc. for a System of Ergonomic Evaluation and Training Materials.

**RMA - PLANNING DEPARTMENT:**

43. Accept a report on the Planning Department's templates and content requirements for General Development Plan proposals. (Referral No. 2007-02/PD091058)

44. a. Approve the Minor Subdivision Parcel Map to divide a 7.35 acre parcel into four 1 acre parcels and one 3.35 acre remainder parcel;
   b. Accept the Parcel Map Guarantee and Tax Report from the Tax Collector; and
   c. Direct the Clerk of the Board to submit the Parcel Map, Notice, Water Conservation Notice and Deed Notification Percolation Report to the County Recorder for filing.
   (Parcel Map - PLN070032/Minor Subdivision, North Highway 101 between Moro Road and Highway 101, Salinas, North County Area Plan)

**RMA - PUBLIC WORKS:**

45. Introduce, waive the reading, and set January 12, 2010, at 10:30 a.m. to consider adoption of an Ordinance amending the Monterey County Code, Title 12, Section 12.12.010, to increase the limit of an existing speed zone on Bradley Road from 35 m.p.h. to 40 m.p.h., in the Community of Bradley.

46. Introduce, waive the reading, and set January 12, 2010, at 10:30 a.m. to consider adoption of an Ordinance amending the Monterey County Code, Title 12, Section 12.12.010, to lengthen the existing 50 m.p.h. speed limit on Corral de Tierra Road and establish new 40 m.p.h. and 35 m.p.h. speed limits on two additional sections of Corral de Tierra Road, San Benancio area.

47. a. Approve the submittal of a grant application in the amount of $200,000 to the State Bicycle Transportation Account for the Blanco Road Class II Bicycle Lane Project;
   b. Authorize the Director of Public Works, or his designee, to act as the agent for the County in processing all documentation to secure these funds from the State Bicycle Transportation Account; and
c. Approve the commitment to fund $20,000 from two percent (2%) Transportation Development Act and/or Regional Surface Transportation Program funds as the ten percent (10%) grant-matching requirement.

48. Introduce, waive the reading, and set January 12, 2010, at 10:30 a.m. to consider adoption of an Ordinance amending the Monterey County Code, Title 12, to amend Section 12.28.010 (PARKING PROHIBITED - AT ALL TIMES) to provide 30 feet of space to establish a 20-minute-limit passenger loading zone; and, add Section 12.66.020 to establish the 30-foot, 20-minute-limit passenger loading zone on the west side of Highlands Drive from a point 352 feet south of the centerline of Fern Canyon Road, southerly for a distance of 30 feet, in Carmel Highlands.

49. a. Determine abandonment of the right-of-way on the northeasterly corner of Hatton Road and Mountain View Avenue in the Community of Carmel and execution of the Quitclaim Deed is exempt from the California Environmental Quality Act;
b. Abandon a portion of the right-of-way on the northeasterly corner of Hatton Road and Mountain View Avenue in the Community of Carmel at fair market value of $8,564;
c. Quitclaim any interest Monterey County has in said property to the adjacent owner;
d. Direct the Director of Public Works to file a Notice of Exemption with the County Clerk;
e. Authorize the Chair of the Board to execute the Quitclaim Deed; and
f. Direct the Clerk of the Board to submit a certified copy of the Resolution and the Quitclaim Deed to the County Recorder for recordation.

50. Introduce, waive the reading, and set January 12, 2010, at 10:30 a.m. to consider adoption of an Ordinance amending the Monterey County Code, Title 12, Section 12.24.020, to establish a stop intersection at Fontes Lane and Randall Road. Stop required on Randall Road at the entrance to Fontes Lane, in the Community of Boronda.

51. Introduce, waive the reading, and set January 12, 2010, at 10:30 a.m. to consider adoption of an Ordinance amending the Monterey County Code, Title 12, Section 12.12.010, to establish a 45 m.p.h. speed limit on a portion of San Benancio Road, San Benancio area.

52. a. Adopt Resolution finding that the repairs and renovations in various shower stalls of the Monterey County Adult Detention Facilities, located at 1410 Natividad Road, Salinas continues to pose an emergency requiring immediate action without adopting plans and specifications and giving notice for bids to let contracts; and
b. Adopt Resolution ratifying the execution of emergency contracts and emergency actions taken by the Contracts/Purchasing Officer, or his designee, to respond to the emergency (4/5th vote required).
53. a. Approve Plans and Special Provisions for construction of the San Miguel Canyon Road Signal Coordination, Project No. 10-135065; and
   b. Authorize the Clerk of the Board to advertise the "Notice to Bidders" in The Californian on December 4 and December 11, 2009.

54. a. Award a Contract to The Don Chapin Co. Inc., the lowest responsible bidder, for the San Jerardo Water System Project, Contract No. 09-859968, in the amount of $2,013,785;
   b. Approve the Performance and Payment Bonds executed and provided by The Don Chapin, Co. Inc.;
   c. Approve a contingency (not to exceed ten percent (10%) of the Contract amount) to provide funding for approved Contract change orders; and
   d. Authorize the Director of Public Works to execute the Contract.

54.1 a. Approve and authorize the Contracts/Purchasing Officer to execute a five-year Standard Lease Agreement with option to purchase with Crocker Corner Partnership, for approximately 12,726 square feet of rentable space located at 20 East Alisal Street, First Floor, Salinas, California, for use by the Probation Department’s Adult Division, utilizing conditions that are sensitive to the present fiscal climate and do not significantly alter the existing funding outlay, for a cost-neutral outcome;
   b. Direct the Auditor-Controller to make lease payments in the amount of $24,179.40 per month and in accordance with the terms of the agreement;
   c. Authorize the optional extension of the Standard Lease Agreement for an additional second and third term at three years each under the same terms and conditions if deemed by the Contracts/Purchasing Officer to be in the best interest of the County; and
   d. Authorize the Director of Public Works to commence due diligence for the exercising of the option to purchase the 28,850 square foot facility located at 20 East Alisal Street, Salinas, California for the negotiated price of $4,650,000 in accordance with the terms and conditions of the Agreement.

RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY

55. Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:
   Approve a Reciprocal Parking License Agreement between the Roman Catholic Bishop of Monterey (Our Lady of the Assumption) and the Redevelopment Agency in the community of Pajaro.

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